

Members

Sen. Kent Adams, Chairperson
Sen. Marvin Riegsecker
Sen. Allie Craycraft
Sen. Connie Sipes
Rep. Denny Oxley
Rep. Vanessa Summers
Rep. Robert Alderman
Rep. Cleo Duncan
Hugh Beebe
Michael Carmin
Nan Daley
Herb Grulke
Susan Hansen



INDIANA COMMISSION ON AUTISM

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MEETING MINUTES¹

Meeting Date: October 10, 2001
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 130
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Kent Adams, Chairperson; Rep. Vanessa Summers; Rep. Cleo Duncan; Hugh Beebe; Michael Carmin; Nan Daley; Herb Grulke; Susan Hansen.

Members Absent: Sen. Marvin Riegsecker; Sen. Allie Craycraft; Sen. Connie Sipes; Rep. Denny Oxley; Rep. Robert Alderman.

Rep. Summers called the meeting to order at 1:10 P.M. She explained that Sen. Adams had requested that Rep. Summers act as chairperson for this meeting due to uncertainty as to whether Sen. Adams would be able to attend. Rep. Summers introduced Ms. Hansen as a new member of the Commission.

Update on Medicaid Waivers

Susan Preble, Legislative Liaison, Family and Social Services Administration (FSSA), introduced Allison Becker, Director, Division of Disability, Aging, and Rehabilitative Services (DDARS). Ms. Becker discussed implementation of: (1) HEA 1647 -2001, requiring amendment of the Medicaid autism waiver to cover applied behavior analysis treatment (ABA); and (2) SEA 215-2001, concerning consumer directed care. Ms. Becker stated that the amendment to the autism waiver, providing for ABA for individuals aged 2 to 7 years (determined by FSSA based on information provided regarding optimal age

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

range for effectiveness of ABA), was submitted in September and should be approved by January, 2002. She stated that implementation will occur shortly thereafter. Ms. Becker stated that consumer directed care will also begin in early 2002. She explained that case management has been eliminated from the autism waiver, and that targeted case management will be provided under the state Medicaid plan.

Ms Becker reported that 100 additional autism waiver slots opened on July 1, 2001, and are being filled. She stated that approximately 1730 individuals are currently on the waiting list for the waiver. Ms. Becker described additional work that has been performed in: (1) creating an autism waiver manual for casemanagers and providers, including information on the waiver as amended to cover ABA; and (2) having parent information sessions throughout the state. Mr. Grulke requested that Ms. Becker provide a copy of the language in the application to amend the autism waiver, expressing concerns about the age limitation.

In response to questions from Ms. Daley, Ms. Becker acknowledged that the new developmental disability (DD) waiver and the amended autism waiver provide coverage for different services. She stated that the DD waiver grouped some services so that the services provided to an individual eligible for coverage under the waiver would be individualized, and that this waiver provides some additional therapies including music therapy. In response to questions from Ms. Hansen, Ms. Becker stated that an additional 100 autism waiver slots will open in July, 2002. In response to questions from Ms. Daley concerning increased capacity, Ms. Becker stated that increased capacity requires: (1) streamlining the manner in which individuals become providers; (2) recognition that assurance of quality is important and that certification of providers is a possible means of assuring quality; and (3) recognition of the importance of timely reimbursement.

Update on Activities Related to HEA 1122-2001 Concerning Insurance Coverage for Autism

Rep. Summers explained to the members that the Indiana Department of Insurance (IDOI) was asked to address this issue, but that the IDOI determined that it must decline at this date due to pending litigation concerning implementation of HEA 1122-2001. Rep. Summers requested any additional information from members of the audience. Kim Dodson, ARC of Indiana, stated that she had spoken with Sally McCarty, Commissioner, IDOI. Ms. Dodson stated that several form filings had apparently been received by the IDOI, but that only those that mirrored the language in HEA 1122-2001 would be approved. Ms. Dodson stated that an administrative law judge hearing had recently occurred concerning the form filing of one health maintenance organization, and that the administrative law judge is awaiting additional information before making a decision.

Resolution Concerning Autism Coverage Under Health Benefit Plans Governed by the Federal Employee Retirement Income Security Act (ERISA)

Rep. Duncan described her proposed resolution², explaining that HEA 1122-2001 addresses insurance coverage for autism, but does not address coverage under self-funded employer group health benefit plans. She stated that she would like to encourage the United States Congress to amend ERISA to require that these self-funded plans cover treatment of pervasive developmental disorders. Staff described the content of the resolution.

²See Exhibit 1.

Cathy Pratt, Indiana Resource Center for Autism, stated, in response to a question from Sen. Adams, that a caucus that is dedicated to autism issues (Congressional Bipartisan Autism Caucus) has recently been established within the United States Congress, and suggested that the resolution, if adopted by the General Assembly, might also be sent to this caucus. Rep. Summers explained that if it was the will of the members, the Commission could adopt the resolution for introduction during the 2002 legislative session. The members adopted the resolution by consent. Staff explained that the resolution would include a reference to the Commission.

General Discussion

Penny Githens, parent of a child with autism, provided a handout of her testimony³. She enumerated several issues of concern to her with regard to education of children with autism, including: (1) teacher training; (2) penalties for noncompliance with the state special education law; (3) an ombudsman concept for special education; (4) special education training for all teachers; (5) guidelines developed by the state Division of Special Education Programs for students with autism; and (6) recommendations of the National Academy of Sciences concerning autism.

Bob Marra, Associate Superintendent, Indiana Department of Education, addressed some of Ms. Githens' issues, including: (1) the control of teacher licensure by the Indiana Professional Standards Board; (2) the need for many different entities to be involved in work on teacher licensure issues; (3) state funding of autism specific training; (4) financial penalties imposed, as a last resort, by the state on school corporations that are not compliant with Indiana's special education requirements; (5) the reality of implementation of guidelines; and (6) the issue of specifying 12 1/2 hours for preschool special education, rather than individualizing the number of hours according to need of the student.

There was general discussion concerning: (1) attempts to change the specification of 12 1/2 hours per week for early childhood special education programs; (2) individualization of each school's professional development plan to meet the needs of the individual school based on qualifications and requirements of teachers and students in the school; and (3) least restrictive environment provisions and the disparity of individual opinions concerning segregation and integration methods of learning.

Cathy Pratt, Indiana Resource Center for Autism, discussed recent work by the Resource Center, including: (1) regional round tables concerning autism training and recent school district hiring of autism resource personnel for schools in the school district; (2) early intervention guidelines developed by the Resource Center; and (3) work with other organizations concerning education issues. Ms. Pratt noted that the success of training and certification of teachers is dependent on the use of the training by the individual teacher. She stated that local superintendent, school board, and parent involvement is necessary in addressing teacher training and certification issues.

There was general discussion regarding: (1) segregation and integration models of education; (2) combining school districts for purposes of special education; and (3) charter schools for individuals with special education needs.

Sue Hactor, parent of a child with Asperger syndrome, provided a handout outlining her

³See Exhibit 2.

testimony⁴. Ms. Hctor stated that schools appear to be unprepared to meet the needs of special education students. She noted her concerns including: (1) methods of grading and emphasis on grades rather than learning; (2) the need for reevaluation of whether required courses serve the intended purpose; (3) teacher training regarding the various special education needs of students in integrated classrooms; (4) involvement of autism specialists in development of individualized education programs; and (5) the importance of regular progress reports to parents from teachers. Ms. Hctor emphasized the importance of teacher training and education.

Ms. Pratt requested that if Commission members are particularly interested in specific issues with regard to autism, the members inform Ms. Pratt of those issues for purposes of the needs assessment survey that will be performed by the Resource Center in Spring, 2002. Mr. Grulke recalled a bill introduced during a legislative session approximately 6 to 10 years ago, concerning teacher certification. Staff agreed to attempt to locate the bill. Ms. Pratt stated that she recalls the bill as requiring that universities offer courses concerning autism, and that universities currently offer such courses, but that students are not required to take the courses.

A member of the audience expressed concern regarding the age limitation on the ABA amendment to the autism waiver and suggested that the ICF/MR waiver be amended to include coverage for ABA. There was general discussion regarding this issue.

Rep. Summers informed the members that the next meeting will occur on October 29, 2001, at 11:00 A.M. Ms. Hansen expressed interest in discussion concerning vocational rehabilitation and Ms. Preble stated that she would provide information to the members concerning vocational rehabilitation. Rep. Summers stated that vocational rehabilitation, teacher training requirements, and proposed legislation will be the issues for discussion at the October 29, 2001, meeting. She requested that individuals contact staff as soon as possible with ideas for proposed legislation which must be approved by the Commission at the October 29, 2001, meeting if it is to be sponsored by the Commission.

With no further business to discuss, Rep. Summers adjourned the meeting at 2:40 P.M.

⁴See Exhibit 3.